

Instructions for Reporting Kansas Transfers of Fetal Tissue



KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
Center for Health and Environmental Statistics
Office of Health Care Information
900 SW Jackson, Room 904
Topeka, Kansas 66612-1220

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Contents

Preface	i
Reporting Procedures for Fetal Tissue Transfers	1
Acquiring a Confidential Transferor Identification Code	1
General Instructions	1
Specific Instructions for Completing the Transfer Form (VS-215)	2
Confidentiality of Records	3
Criminal Sanctions	3
Appendices	
A. Sample Copy of Fetal Tissue Reporting Form (VS-215)	4
B. Kansas Law Pertaining to Transfer of Fetal Tissue	5

Preface

This handbook contains instructions for completing reporting requirements for fetal tissue transfers initiated in Kansas. It also contains a copy of Senate Substitute for Substitute HB2007 passed by the 2000 Legislature, which requires the reporting. The handbook also has a sample reporting form.

A full copy of these materials is available at the Center for Health and Environmental Statistics' Web page: <http://www.kdhe.state.ks.us/ches>.

Questions regarding reporting of fetal tissue transfers should be directed to the Office of Health Care Information at (785) 296-8627.

Reporting Procedures for Fetal Tissue Transfers

The law (Senate Substitute for Substitute House Bill 2007) requires every person who transfers fetal tissue to report said transfer to the Kansas Department of Health and Environment. As defined in the law, fetal tissue “means any tissue, cells or organs obtained from a dead human embryo or fetus after an abortion or after a stillbirth.” The Center for Health and Environmental Statistics (Center) collects these reports on behalf of the Department.

The law requires fetal tissue transfer reports to be in written form and be submitted annually to the Department. The Center has prepared a form (VS-215) to facilitate the timely and accurate submission of transfer reports. To facilitate data collection, submit VS-215 forms following a transfer or on a monthly basis.

Once a transfer of fetal tissue has been made, a completed VS-215 form should be submitted to the Center. Use a separate form for each transfer. All sections of the form must be filled in to be complete. The Center will contact persons regarding the transfers only if the form is incomplete or portions of it are illegible.

The law provides two exceptions to reporting fetal tissue transfers. If the transfer is to a pathologist for testing or evaluation prior to disposition or the transfer is for the purpose of immediate burial, cremation, or final disposition, then the transfer is not reportable.

It is the responsibility of the person who ***COLLECTED*** the fetal tissue to report the transfer, not the pathologist that tested it for research suitability.

Acquiring a Confidential Transferor Identification Code

The Center has prepared a randomly generated list of numbers which will be used as transferor identification codes on the forms to guarantee confidential reporting of the information. Please obtain a transferor identification code prior to reporting your first fetal tissue transfer after June 30, 2000.

Persons transferring fetal tissue on a regular basis or who anticipate transferring fetal tissue during the year should obtain a confidential transferor identification code from the Center. This can be done by calling 785-296-8627.

Persons obtaining a transferor identification code must provide the following information: Name of Person transferring fetal tissue, Address, City, State, Zip Code, Phone Number, FAX Number, and an alternate contact person. This information, which will remain confidential, is needed should questions about the form’s answers arise.

General Instructions

- Use the current VS-215 form furnished by the Center. Do not use obsolete forms.
- Type or print all entries.
- Complete all entries as directed.

- Do not make alterations or erasures. Do not use white out.
- Use abbreviations only when space on the report is inadequate for complete entry.
- Check each completed report for any inconsistent or questionable entries or unexplained omissions.
- Submit reports to the Center on a monthly basis or as transfer is completed to facilitate data entry and processing.

Specific Instructions for Completing the Transfer Form (VS-215)

Once a transfer has been made, please complete the Transfer Form VS-215. Make sure your form includes your confidential transferor identification code. Please type or print the answers in permanent ink. Refer to these instructions if you have questions.

The Center, upon assigning a confidential transferor identification code, will provide five copies of the form with the transferor identification code in the appropriate box. You may make as many copies as you need. Keep the blank forms stored securely. Submit the form to the Center at the address noted at the top of the form.

Question 1 (Transferor Identification Code)

The confidential transferor identification code will already be printed in the box and is a four digit number. This section cannot be left blank.

Question 2 (Date of Transfer)

This is the date you made the transfer of fetal tissue. Put the date in the proper format. For example, if the transfer occurred on July 3, 2000, the date of transfer information would read 07/03/2000). Responses with any date components missing will be considered incomplete.

Question 3 (Description of Fetal Tissue)

This is an open-ended question that calls for the Transferor to describe the anatomical and physiological nature of the fetal tissue transferred. This section cannot be left blank.

Question 4 (Transferee)

Complete this section to identify the person, business, or institution receiving the fetal tissue transferred. You must fill in all lines in this section except for Street Address 2, which is optional. If any of the remaining address information is missing or illegible the form will be queried. This section cannot be left blank.

Question 5 (Amount Received For Transfer)

Complete this section by entering the dollar value of any and all consideration (payment, cancellation of debt, gift, honorarium, provision of any service, or any price, charge, or fee waived, forgiven, reduced or indefinitely delayed) received. This amount should be entered regardless of whether or not said consideration was reimbursement for expenses incurred in making the transfer. If reimbursement exceeds \$25.00, submit copies of delivery service receipts or bills attesting to the actual cost. If you received no consideration, enter zero (0) in the section.

This section cannot be left blank.

Question 6 (Name of Delivery Service)

Complete this section by entering the full name of the delivery service through which the transfer was completed. Enter a company name or the name of an individual if such a person delivered the transferred fetal tissue. This section cannot be left blank.

Question 7 (Mode of Transfer or Shipment)

Complete this section by entering the method of transfer or delivery of the fetal tissue. Examples include air freight, ground transportation, personal messenger, truck, and courier. This section cannot be left blank.

Confidentiality of Records

The law requires that the information obtained by the Secretary of the Kansas Department of Health and Environment be confidential and not be disclosed in a manner that would reveal the identity of the person submitting the report. However, the information may be disclosed to the Attorney General if reasonable cause exists to believe that a violation of the act occurred. Said information shall only be used for criminal prosecution.

Criminal Sanctions

The law includes sections that impose criminal penalties for violating the provisions:

- Any person who intentionally, knowingly, or recklessly violates the section requiring a person to completely or accurately fill out and submit fetal tissue transfer reports shall be considered guilty of a class A nonperson misdemeanor.
- Any person who intentionally, knowingly, or recklessly violates the section prohibiting the offering or acceptance of any valuable consideration for the fetal organs or tissue resulting from an abortion shall be considered guilty of a severity level 2, nonperson felony.
- Any person who intentionally, knowingly, or recklessly violates the section prohibiting the offering of monetary or other inducement to a person for the purpose of procuring an abortion for the medical, scientific, experimental or therapeutic use of fetal organs or tissue shall be considered guilty of a severity level 2, nonperson felony.
- Any person who intentionally, knowingly, or recklessly fails to obtain voluntary and informed consent of the woman donating the fetal tissue for the medical, scientific, experimental or therapeutic use shall be considered guilty of a severity level 2, nonperson felony.

Appendix A

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
Office of Health Care Information
Landon Building, Room 904
900 SW Jackson
Topeka, Kansas 66612-1220
785-296-8627

TYPE OR PRINT IN PERMANENT INK

REPORT OF FETAL TISSUE TRANSFER

STATE FILE NUMBER

1. TRANSFEROR IDENTIFICATION CODE :	2. DATE OF TRANSFER (MM/DD/YYYY):
3. DESCRIPTION OF FETAL TISSUE : SAMPLE	
4. TRANSFEREE : NAME : _____ STREET ADDRESS 1 : _____ STREET ADDRESS 2 : _____ CITY: _____ STATE : _____ ZIP : _____	
5. AMOUNT RECEIVED FOR TRANSFER: *	6. NAME OF DELIVERY SERVICE:
7. MODE OF TRANSFER OR SHIPMENT (SUCH AS AIR FREIGHT, COURIER, ETC.) :	

For instructions, see handbook. Reporting authorized by S SUB FOR SUB HB2007, passed by 2000 Legislature.

* If amount received exceeds \$25.00, attach copies of delivery service receipts.

Form VS-215 Rev. 6/2000

Appendix B

Kansas Law Pertaining to Transfer of Fetal Tissue

SENATE Substitute for Substitute for HOUSE BILL No. 2007

AN ACT prohibiting the sale of fetal organs or tissue; imposing limitations thereon.

Be it enacted by the Legislature of the State of Kansas:

Section 1. As used in this act:

(a) "Abortion" means an abortion as defined by K.S.A. 65-6701, and amendments thereto.

(b) (1) "Consideration" means:

(A) Any payment made or debt incurred;

(B) any gift, honorarium or recognition of value bestowed;

(C) any price, charge or fee which is waived, forgiven, reduced or indefinitely delayed;

(D) any loan or debt which is canceled or otherwise forgiven; or

(E) the transfer of any item from one person to another or provision of any service or granting of any opportunity for which a charge is customarily made, without charge or for a reduced charge.

(2) "Consideration" shall not mean:

(A) A payment in an amount not to exceed \$25 for the cost of transporting, processing, preserving and storing fetal tissue; or

(B) a payment in an amount not to exceed the actual cost, as documented by the delivery service, of transporting fetal tissue.

(c) "Delivery service" means a common carrier as defined by K.S.A. 66-105, and amendments thereto, or other person or entity used to transport fetal tissue.

(d) "Fetal tissue" means any tissue, cells or organs obtained from a dead human embryo or fetus after an abortion or after a stillbirth.

(e) "Person" means a person as defined by K.S.A. 65-425, and amendments thereto.

(f) "Stillbirth" means a stillbirth as defined by K.S.A. 65-2401, and amendments thereto.

Sec. 2. Except as specifically provided by this act, nothing in this act shall be construed as either permitting or prohibiting the use of fetal tissue for any type of scientific, research, laboratory or other kind of experimentation either prior to or subsequent to any abortion or stillbirth.

Sec. 3. This act shall not apply to:

(a) The transfer of fetal tissue to a pathologist for testing or examination; or

(b) the transfer of fetal tissue for the purpose of immediate burial, cremation or final disposition.

Sec. 4. (a) No person shall solicit, offer, knowingly acquire or accept or transfer any fetal tissue for consideration.

(b) No person shall solicit, offer or knowingly acquire or accept or transfer any fetal tissue for the purpose of transplantation of such tissue into another person if:

(1) The fetal tissue will be or is obtained pursuant to an abortion; and

(2) (A) the donation of such fetal tissue will be or is made pursuant to a promise to the donating individual that the donated tissue will be transplanted into a recipient specified by such donating individual;

(B) such fetal tissue will be transplanted into a relative of the donating individual; or

(C) the person who solicits or knowingly acquires or accepts the donation of such fetal tissue has provided consideration for the costs associated with such abortion.

(c) Any person who intentionally, knowingly or recklessly violates this section shall be guilty of a severity level 2, nonperson felony.

Sec. 5. (a) Every person who transfers fetal tissue to another person shall submit annually a written report to the secretary of the department of health and environment which contains the following:

(1) The date of transfer;

(2) a description of the fetal tissue;

(3) the name and address of the transferor and the transferee;

(4) the amount of consideration received by the transferor for making the transfer;

(5) the mode of transfer or shipment; and

(6) the name of the delivery service.

(b) The identity of the woman donating the fetal tissue shall be confidential and shall not be included in any report required by this section.

(c) No person shall ship fetal tissue without disclosing to the delivery service that human tissue is contained in such shipment.

(d) Except as provided herein, information obtained by the secretary of health and environment under this section shall be confidential and shall not be disclosed in a manner that would reveal the identity of any person who submits a report to the secretary under this section. Such information, including information identifying any person submitting a report hereunder, may be disclosed to the attorney general upon a showing that a reasonable cause exists to believe that a violation of this act has occurred. Any information disclosed to the attorney general pursuant to this subsection shall be used solely for the purposes of a criminal prosecution.

(e) For the purpose of maintaining confidentiality, reports required by this section shall identify the name and address of the person submitting such report only by confidential code number assigned by the secretary of health and environment to such person and the department of health and environment shall maintain such reports only by such number.

(f) Any person who intentionally, knowingly or recklessly violates this section shall be guilty of a class A nonperson misdemeanor.

Sec. 6. (a) No person shall offer any monetary or other inducement to any other person for the purpose of procuring an abortion for the medical, scientific, experimental or therapeutic use of fetal organs or tissue.

(b) No person shall offer or accept any valuable consideration for the fetal organs or tissue resulting from an abortion. Nothing in this subsection shall prohibit payment for burial or other final disposition of the fetal remains or payment for a pathological examination, autopsy or postmortem examination of the fetal remains.

(c) Any person who intentionally, knowingly or recklessly violates this section shall be guilty of a severity level 2, nonperson felony.

Sec. 7. (a) No person shall use fetal organs or tissue for medical, scientific, experimental or therapeutic use without the voluntary and informed consent of the woman donating such tissue. Such consent shall not be discussed or obtained prior to obtaining the consent required under K.S.A. 1999 Supp. 65-6709, and amendments thereto.

(b) A person who intentionally, knowingly or recklessly violates this section shall be guilty of a severity level 2, nonperson felony.

Sec. 8. If any provision of this section is held to be invalid or unconstitutional, it shall be presumed conclusively that the legislature would have enacted the remainder of this section without such invalid or unconstitutional provision.

SENATE Substitute for Substitute for HOUSE BILL No. 2007—page 3

Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.